

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** By Chairman Scott Mendenhall, on February 20, 2007 at 8:00 A.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Scott Mendenhall, Chairman (R)  
Rep. Jim Keane, Vice Chairman (D)  
Rep. Mike Milburn, Vice Chairman (R)  
Rep. Elsie Arntzen (R)  
Rep. Shannon Augare (D)  
Rep. Scott Boggio (R)  
Rep. Ernie Dutton (R)  
Rep. Kevin T. Furey (D)  
Rep. Ralph Heinert (R)  
Rep. Llew Jones (R)  
Rep. Harry Klock (R)  
Rep. Michele Reinhart (D)  
Rep. Wayne Stahl (R)  
Rep. Bill Thomas (D)  
Rep. Kendall Van Dyk (D)  
Rep. Jonathan Windy Boy (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Bart Campbell, Legislative Branch  
Nancy Kraft, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 665, 2/14/2007; HB 666,  
2/14/2007; HB 668, 2/14/2007; HB  
755, 2/19/2007; HB 757, 2/19/2007

Executive Action: HB 587; HB 605; HB 654; HB 724; HB  
725; HB 741; HB 755; HB 757; HB  
665; HB 666

**HEARING ON HB 757**

**Opening Statement by Sponsor:**

00:03:04 Rep. Diane Rice (R), HD 71, opened the hearing on HB  
757, Revise state fund laws.

**Proponents' Testimony:**

00:06:58 Brad Griffin, Montana Retail Association

**Opponents' Testimony:**

00:07:18 Matthew Cohn, Montana State Fund

[EXHIBIT\(buh38a01\)](#)

00:18:44 Tom Schneider, Montana Public Employees' Association

00:19:53 Jacqueline Lenmark, American Insurance Association

**Informational Testimony:** None

**Additional Proponents' Testimony:**

00:23:49 Mable Deane, Mable's Tax Service, Three Forks, Montana

[EXHIBIT\(buh38a02\)](#)

**Questions from Committee Members and Responses:**

00:25:17 Rep. Milburn

00:28:05 Mr. Cohn

**Closing by Sponsor:**

00:28:18 Rep. Rice

**HEARING ON HB 665**

**Opening Statement by Sponsor:**

00:30:36 Rep. Elsie Arntzen (R), HD 53, opened the hearing on HB  
665, License and regulate athletic trainers.

[EXHIBIT\(buh38a03\)](#)

**Proponents' Testimony:**

00:33:46 Christian Oberquell, President, Montana Trainers'  
Association  
00:38:47 Scott Richter, University of Montana  
00:44:09 Mike Diede, Montana State University-Billings  
00:47:51 Janet Trethewey, Certified Athletic Trainer, Havre,  
Montana  
00:49:37 Gary Lusin, Licensed Physical Therapist, Certified  
Athletic Trainer

**EXHIBIT (buh38a04)**

00:50:51 Lorena Pettit, Physical Therapist  
00:51:43 Dr. Elizabeth Ikeda, University of Montana

**EXHIBIT (buh38a05)**

00:53:28 Jim McClain, Frenchtown, Montana  
00:53:48 Rachel Romanelli, American Massage Therapy Association  
00:54:34 Deborah Kimmett, Business League of Massage Therapy and  
Body Work  
00:54:58 Diane Allen, Physical Therapist  
00:55:17 Mary McCue, Montana Athletic Trainers' Association  
00:55:42 Mona Jamison, Montana Chapter of American Physical  
Therapy Association

**Opponents' Testimony:** None

**Informational Testimony:**

00:56:40 Marilyn Kelly-Clark, Department of Labor and Industry

**Questions from Committee Members and Responses:**

00:56:56 Rep. Reinhart  
00:57:13 Ms. Kelly-Clark  
00:57:54 Rep. Keane  
00:59:46 Ms. Kelly-Clark  
01:00:34 Rep. Mendenhall  
01:00:55 Mr. Oberquell  
01:01:48 Rep. Mendenhall  
01:02:05 Rep. Arntzen  
01:03:02 Mr. Oberquell

**Closing by Sponsor:**

01:03:52 Rep. Arntzen

**HEARING ON HB 668**

**Opening Statement by Sponsor:**

01:06:41 Rep. Wayne Stahl (R), HD 35, opened the hearing on HB 668, Revise criminal justice agency status of licensing boards.

**Proponents' Testimony:**

01:09:00 Mike Batista, Department of Justice

**Opponents' Testimony:**

01:09:35 Gene Allison, Chief Legal Counsel, Business Standards Division, Department of Labor and Industry

01:15:24 Keith Allen, International Brotherhood of Electrical Workers

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:19:22 Rep. Keane  
01:21:13 Mr. Allison  
01:21:59 Rep. Mendenhall  
01:22:23 Rep. Stahl  
01:24:38 Rep. Van Dyk  
01:25:07 Rep. Mendenhall  
01:25:19 Mr. Allison  
01:26:02 Rep. Mendenhall  
01:26:51 Mr. Allison  
01:27:39 Rep. Reinhart  
01:27:48 Mr. Allison  
01:28:40 Rep. Keane  
01:28:53 Mr. Allison

**Closing by Sponsor:**

01:29:36 Mr. Stahl

**HEARING ON HB 755**

**Opening Statement by Sponsor:**

01:32:00 Rep. Jim Keane (D), HD 75, opened the hearing on HB 755, Exempt certain gift certificate from abandoned property law.

**Proponents' Testimony:**

01:32:32 Brad Griffin, Montana Retail Association; and for Riley Johnson, National Federation of Independent Business; and Ronda Wiggers, Helena and Great Falls Chambers of Commerce  
01:32:54 Jon Bennion, Montana Chamber of Commerce

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:34:04 Rep. Furey  
01:34:47 Mr. Griffin  
01:35:27 Rep. Reinhart  
01:35:51 Rep. Keane  
01:36:02 Bart Campbell  
01:38:21 Rep. Reinhart  
01:38:30 Mr. Campbell

**Closing by Sponsor:**

01:39:39 Rep. Keane

**HEARING ON HB 666**

**Opening Statement by Sponsor:**

01:40:29 Rep. Dave Gallik (D), HD 79, opened the hearing on HB 666, Allow direct action lawsuits against motor vehicle insurers.

**Proponents' Testimony:** None

**Opponents' Testimony:**

01:45:37 Randall Nelson, Mountain West Farm Bureau Mutual Insurance Company  
01:52:17 Greg VanHorssen, State Farm Insurance Company  
01:54:13 Jacqueline Lenmark, American Insurance Association  
01:56:27 John Metropoulos, Farmers' Insurance Group  
01:57:44 Larry Kibbee, Property Casualty Insurance Association of America  
01:58:15 Bob Worthington, Montana Municipal Insurance Authority  
01:58:43 John Prinkki, Montana Association of Counties

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:59:27 Rep. Keane  
01:59:39 Roger McGlenn, Independent Insurance Agents of Montana  
02:00:21 Rep. Furey  
02:01:11 Rep. Gallik

**Closing by Sponsor:**

02:01:58 Rep. Gallik  
02:05:23 Break

**EXECUTIVE ACTION**

**Discussion of Banking Bills that are Pending in Committee:**

02:31:53 Rep. Mendenhall  
02:32:46 Mr. Campbell  
02:33:22 Rep. Mendenhall

**EXECUTIVE ACTION ON HB 587**

02:34:39 **Motion:** Rep. Milburn moved that HB 587 **DO PASS.**

**Discussion:**

02:35:25 Mr. Campbell  
02:35:46 Without objection, Rep. Milburn withdrew his motion on HB 587.

**EXECUTIVE ACTION ON HB 605**

02:36:01 **Motion:** Rep. Keane moved that HB 605 **DO PASS.**  
02:36:28 **Motion:** Rep. Keane moved that HB 605 **BE AMENDED.**  
[\*\*EXHIBIT\*\*](#) (buh38a06)

**Discussion:**

02:38:23 Mr. Campbell  
02:39:02 Rep. Keane  
02:39:42 **Vote:** Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.  
02:40:04 **Motion:** Rep. Keane moved that HB 605 **BE AMENDED.**  
[\*\*EXHIBIT\*\*](#) (buh38a07)

**Discussion:**

02:40:09 Mr. Campbell

02:41:29 **Vote:** Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

02:41:48 **Motion:** Rep. Keane moved that HB 605 **DO PASS AS AMENDED.**

**Discussion:**

02:41:59 Rep. Stahl

02:43:44 Rep. Milburn

02:45:16 Rep. Arntzen

02:46:34 Rep. Keane

02:48:40 Rep. Jones

02:50:04 Rep. Stahl

02:53:05 Rep. Keane

02:53:47 Rep. Mendenhall

02:54:08 Rep. Keane

02:55:16 Rep. Arntzen

02:55:42 Rep. Keane

02:56:13 **Vote:** Motion failed 7-9 by roll call vote with Reps. Augare, Furey, Keane, Reinhart, Thomas, Van Dyk, and Windy Boy voting aye. Reps. Van Dyk and Windy Boy voted by proxy.

02:57:17 **Substitute Motion/Vote:** Rep. Milburn made a substitute motion that HB 605 **BE TABLED AND THE VOTE REVERSED.** Substitute motion carried 15-1 by voice vote with Rep. Keane voting no. Reps. Van Dyk and Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 654**

02:58:11 **Motion:** Rep. Keane moved that HB 654 **DO PASS.**

02:59:05 **Motion:** Rep. Keane moved that HB 654 **BE AMENDED.**

**EXHIBIT (buh38a08)**

03:00:06 **Vote:** Motion carried 12-4 by voice vote with Reps. Arntzen, Klock, Mendenhall, and Thomas voting no. Reps. Van Dyk and Windy Boy voted by proxy.

03:00:51 **Motion/Vote:** Rep. Keane moved that HB 654 **BE AMENDED.** Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

**EXHIBIT (buh38a09)**

03:02:15 **Motion:** Rep. Keane moved that HB 654 **DO PASS AS AMENDED.**

**Discussion:**

03:02:25 Rep. Dutton  
03:03:18 Rep. Klock  
03:03:38 Rep. Milburn  
03:04:12 Rep. Keane  
03:05:29 Rep. Stahl  
03:06:20 Rep. Arntzen  
03:07:14 Rep. Furey  
03:07:29 Bart Campbell  
03:08:12 Rep. Mendenhall  
03:09:42 Rep. Reinhart  
03:09:56 Rep. Arntzen

03:10:17 **Vote:** Motion failed 6-10 by roll call vote with Reps. Augare, Furey, Keane, Reinhart, Van Dyk, and Windy Boy voting aye. Reps. Van Dyk and Windy Boy voted by proxy.

03:11:07 **Substitute Motion/Vote:** Rep. Milburn made a substitute motion that HB 654 **BE TABLED AND THE VOTE REVERSED**. Substitute motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 724**

03:11:25 **Motion/Vote:** Rep. Furey moved that HB 724 **DO PASS**. Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 725**

03:12:52 **Motion:** Rep. Milburn moved that HB 725 **DO PASS**.

**Discussion:**

03:13:02 Rep. Keane

03:13:25 **Substitute Motion/Vote:** Rep. Milburn made a substitute motion that HB 725 **BE TABLED**. Substitute motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 741**

03:13:59 **Motion:** Rep. Jones moved that HB 741 **DO PASS**.

03:14:16 **Motion/Vote:** Rep. Keane moved that HB 741 **BE AMENDED**. Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

**EXHIBIT** (buh38a10)



03:15:18 **Motion:** Rep. Jones moved that HB 741 **DO PASS AS AMENDED.**

**Discussion:**

03:18:32 Rep. Keane

03:19:16 **Vote:** Motion carried 14-2 by roll call vote with Reps. Mendenhall and Rep. Milburn voting no. Reps. Van Dyk and Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 755**

03:20:36 **Motion/Vote:** Rep. Keane moved that HB 755 **DO PASS.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 757**

03:23:54 **Motion:** Rep. Milburn moved that HB 757 **DO PASS.**

**Discussion:**

03:24:01 Rep. Keane

03:26:00 Rep. Heinert

03:27:00 Rep. Milburn

03:27:25 **Substitute Motion/Vote:** Rep. Milburn made a substitute motion that HB 757 **BE TABLED.** Substitute motion carried 14-2 by voice vote with Reps. Klock and Stahl voting no. Reps. Van Dyk and Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 665**

03:28:21 **Motion:** Rep. Arntzen moved that HB 665 **DO PASS.**

03:28:54 **Motion:** Rep. Arntzen moved that HB 665 **BE AMENDED.**

**EXHIBIT**(buh38a11)

**Discussion:**

03:30:29 Rep. Keane

03:30:46 Rep. Arntzen

03:30:58 **Vote:** Motion carried unanimously by voice vote. Reps. Van Dyk and Windy Boy voted by proxy.

03:31:20 **Motion:** Rep. Arntzen moved that HB 665 **DO PASS AS AMENDED.**

**Discussion:**

03:31:29 Rep. Thomas  
03:32:13 Rep. Keane  
03:34:07 Rep. Arntzen  
03:35:18 Rep. Milburn  
03:35:39 Rep. Arntzen  
03:36:49 Rep. Milburn  
03:37:06 Rep. Dutton  
03:37:15 Rep. Arntzen  
03:39:23 Rep. Milburn  
03:40:47 Rep. Keane  
03:41:01 Rep. Dutton  
03:41:14 Rep. Arntzen

03:42:09 **Vote:** Motion carried 10-6 by roll call vote with Reps. Augare, Dutton, Furey, Keane, Van Dyk, and Windy Boy voting no. Reps. Van Dyk and Windy Boy voted by proxy.

**EXECUTIVE ACTION ON HB 666**

03:43:49 **Motion:** Rep. Keane moved that HB 666 **DO PASS**.

03:44:05 **Substitute Motion/Vote:** Rep. Jones made a substitute motion that HB 666 **BE TABLED**. Substitute motion carried 11-5 by voice vote with Reps. Furey, Keane, Reinhart, Van Dyk, and Windy Boy voting no. Reps. Van Dyk and Windy Boy voted by proxy.

**Additional Exhibits:**

Documents pertaining to HB 654; Hearing 02/16/07

**[EXHIBIT\(buh38a12\)](#)**

**ADJOURNMENT**

03:44:35 Adjournment: 11:45 A.M.

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REP. SCOTT MENDENHALL, Chairman

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NANCY KRAFT, Secretary

SM/nk

Additional Exhibits:

**EXHIBIT ([buh38aad.pdf](#))**